

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-80617

LAMONT DAUNIELLE PARIS,

HONORABLE AVERN COHN

Defendant.

ORDER
DENYING MOTION FOR PARALEGAL FEES UNDER THE EQUAL ACCESS TO
JUSTICE ACT
AND
DENYING MOTION FOR DEMANDED JUDGMENT

This is a criminal case which has long since closed. In December 2006, defendant Lamont Daunielle Paris was charged, along with others, in Third Superseding Indictment (indictment) with various drug related offenses. On January 25, 2007, defendant made an initial appearance with counsel and consented to detention. Defendant was also arraigned that date and entered a plea of not guilty. On June 26, 2007, the government filed a motion to dismiss the indictment against defendant. The government informed that defendant had been tried and convicted in state court on several charges relating to an attempted murder and was sentenced on May 17, 2007 to a term of imprisonment of 50-75 years. The government therefore sought dismissal of the indictment in the interest of justice due to defendant's substantial sentence. On June 26, 2007, the Court entered an order dismissing the indictment.

Now before the Court are two motions filed by an Otis Paris¹ “Through Special Visitation” on behalf of defendant. As best as can be gleaned, Otis Paris is seeking compensation for paralegal work he allegedly performed in connection with defendant’s criminal case. Otis Paris argues that he is entitled to paralegal fees as a prevailing party because the indictment against defendant was dismissed. He cites as authority the Equal Access to Justice Act and 5 U.S.C. § 504(a)(1) and (b)(1). He seeks \$14,000.00 in paralegal fees.

The motions are DENIED for lack of merit. The Equal Access to Justice Act, 28 U.S.C. § 2412 applies only to civil actions, not criminal actions. See 28 U.S.C. § 2412(b) and (d). Moreover, 5 U.S.C. § 504(a)(1) and (b)(1) provide for an award of attorney fees and expenses in connection with a proceeding before an administrative agency, not a criminal action.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2008

I hereby certify that a copy of the foregoing document was mailed to Lamont Daunielle Paris, 247642, Macomb Correctional Facility, 34625 26 Mile Road, New Haven, MI 48048 and the attorneys of record on this date, July 10, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

¹It is not clear whether Otis Paris is related to defendant.